IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.146 OF 2006

Manik Trimbakrao Gote ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.R.G. Ketkar, Advocate, for the Petitioner. .
Mr.S.R. Nargolkar, AGP, for Respondent Nos.1 to 3. .
Mr.M.L. Patil, Advocate, for Respondent No.4.

CORAM : J.N. PATEL &
A.A. SAYED, JJ.

DATE : 1ST AUGUST, 2007.

P.C. :

1. Rule. By consent, Rule is made returnable forthwith.

2. This Petition is filed on an apprehension that respondents would delete sugar from the items of Agricultural Produce which is regulated under Maharashtra Agricultural Produce Marketing (Regulation) Act of 1963 and Rules of 1967.

3. According to the petitioner, the District Deputy Registrar had issued a notification under Section 4 of the abovementioned Act declaring that the

marketing of the Agricultural Produce of 26 items which included sugar out of 42 items proposed, shall be regulated under the said Act in the market area. The apprehension of the petitioner is that the sugar traders are bringing pressure on the respondents to delete sugar from the list of Agricultural Produce which are to be regulated. Moreover a Petition challenging regulation of sugar by the Bombay Agricultural Produce Market Committee has been already rejected by this Court.

4. According to the affidavit filed by the APMC, Pune, the suggestions and objections were submitted by the Traders' Association as well as individual traders which were considered by the District Deputy Registrar and the personal hearing was given and accordingly the abovesaid Notification was issued on 11.07.2006 Accordingly, marketing of sugar is being regulated in the market area of Bombay Agricultural Produce Market Committee since 1988. This affidavit further discloses that the declaration is put into effect and operation and the Market Committee has submitted a proposal to the Government to reduce the market cess on sugar to 25 paise per Rs.100/- and the said proposal is pending before the Government.

5. An affidavit is also filed by the State Government which states that traders are buying sugar from the factories and sugar is being regulated in the market and supply of sugar is smooth and there is no shortage of sugar in the market and for the present the State does not propose to delete sugar from the list of items being regulated by the APMC and therefore action under Section 94-C of the abovesaid Rules is not necessary.

6. In view of this, we find that the apprehension of the petitioner is misplaced. We, therefore, dismiss the Petition with liberty to the petitioner to apply to the Court, if any contingency arises. Rule discharged.

[A.A. SAYED, J.] **[J.N. PATEL, J.]**